

APPEAL NO. 010293

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On January 24, 2001, a hearing was held. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury does not extend to bilateral carpal tunnel syndrome (CTS). The claimant appealed and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

The claimant testified that on _____, she was performing her job duties pulling a cart of trays when the cart tipped over and the trays fell on her arms. The parties stipulated that the claimant sustained a compensable contusion/sprain injury to her bilateral wrists on _____. The issue before the hearing officer was "Does the compensable injury extend to bilateral [CTS]?" The claimant had the burden of proof on the extent-of-injury issue. Texas Workers' Compensation Commission Appeal No. 001769, decided September 8, 2000.

In August 1999, Dr. B performed an electrodiagnostic study on the claimant's upper extremities and concluded that the study showed mild bilateral CTS. Based on that study, Dr. G, who has treated the claimant, diagnosed the claimant as having bilateral CTS. Dr. M, who also treated the claimant, wrote that the electrodiagnostic study of August 1999 documented bilateral CTS and that the claimant's CTS was aggravated by her work-related injury.

Dr. R reviewed the claimant's medical records at the carrier's request and reported that the claimant's mild CTS is not related to her on-the-job injury of _____. The parties agreed to have the claimant evaluated by Dr. A. Dr. A reported in August 2000 that he reviewed the claimant's medical records, including the report of the electrodiagnostic study of August 1999, and examined the claimant. Dr. A stated that he does not believe that the claimant has CTS and that the findings of the electrodiagnostic study were "incidental."

Conflicting evidence was presented on the extent-of-injury issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer found that the evidence was insufficient to establish a causal relationship between the claimant's claimed bilateral CTS and the compensable bilateral wrist injury of _____. The hearing officer's determination that the compensable injury does not extend to bilateral CTS is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. We disagree with the claimant's contention that the hearing officer changed the issue or placed an incorrect burden on the claimant.

The hearing officer's decision and order are affirmed.

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge